TRAVANCORE GOVERNMENT GAZETTE, SUPPLEMENT.

TUESDAY, 23rd August 1898.

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M. on Saturday the $\frac{\text{20th August 1898.}}{\text{5th Chingom 1074.}}$

PRESENT.

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur., F. M. U., Dewan ... ... *Presiding.*

M. R. Ry. V. Nagam Aiya Avergal, B. A., F. R. H. S.

M. R. Ry. P. Thanu Pillai Avergal, M. A.

Mr. C. J. Maltby.

Mr. I. H. Prince.

M. R. Ry. E. Ramier Avergal.

Mr. K. Kuruvila, B. C. E.

M. R. Ry. K. Kochukrishna Marar Avergal, B. A., B. L.

RULES FOR THE CONDUCT OF BUSINESS OF THE COUNCIL.

The draft Rules for the conduct of business of the Council which had been previously circulated among the members were taken up for consideration. The rules were read *seriatim*, and after discussion of the several provisions, passed by the Council in an amended form.

EVIDENCE BILL.

Mr. Prince.—It is now over a year since permission was granted me to introduce this Bill, and it is nearly a year since I had the honor of introducing it. The Bill has also been before the public for very nearly a year and criticisms have been invited on it. It has been suggested either that the Bill be abandoned as our Courts practically follow the British Indian Act, or that the Act be adopted *mutatis mutandis*. I think myself that if we are to have a law on the subject, it would not do to merely adopt the British Act *mutatis mutandis*, but we should have a codified law of our own. If the Bill is to stand, various amendments have been proposed by persons whose opinions are entitled to the highest consideration, I mean the Honorable Judges of the High Court. In regard to these amendments, I think it is best to leave them for the consideration of the Select Committee; and with the benefit of full consideration by that Committee, the Council will be better able to decide whether any

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and what amendments should be introduced. In introducing the Bill, I explained at some length my reasons for thinking that legislation on the subject is necessary, and I trust the Council will appreciate those reasons and allow the Bill to be proceeded with. I beg to move that the principle of the Bill be affirmed.

Mr. Ramier.—I beg to second the proposal to affirm the principle of the Bill, or as I take it, the necessity for the Bill. With all deference to the opinions of those that have thought the Bill unnecessary, I beg to observe that from my experience of twenty-two years at the Bar it seems to me absolutely necessary to have a definite law on the subject. It will greatly serve to promote the interests of the public.

The motion was carried.

Mr. Prince then proposed that the Bill be referred to a Select Committee consisting of Messrs. Thanu Pillai, Ramier, Kochukrishna Marar and the Mover, to report within four months.

Seconded by Mr. Kuruvila.

Carried.

NEGOTIABLE INSTRUMENTS BILL.

Mr. Kuruvila.—At the last ordinary meeting, the Council had requested arrangements to be made for obtaining the opinions on this Bill of the High Court, the Commercial Agent, the Chamber of Commerce and the Agent to the Bank of Madras, Alleppey. The Commercial Agent who is a specialist in commercial matters is present here and the absence of his report does not affect the question. The High Court have upheld my plea for the acceptance of the measure, and they further support me by observing that the slight modifications I have made in the British Act do not affect the principle. This being a mercantile Bill, the Agent to the Bank of Madras, Alleppey, is a very competent person to express an opinion on its effect on commerce. I am happy to find that he fully supports me. He only makes a suggestion in regard to public holidays which is doubtless reasonable, but I think it may be considered at the Select Committee stage. The Chamber of Commerce has not, unfortunately yet sent a reply; but as Mr. Carson, the Agent to the Bank of Madras, is also Secretary to the Chamber of Commerce, the absence of a reply from that quarter need not be considered discouraging. The only paper which has not supported my suggestion is a letter from the Hon. Secretary to the Travancore High Court Vakils' Association. I must say I am disappointed in finding that instead of helping us with the special knowledge which such a learned body can bring to bear on a measure of this kind, the Association has gone beyond its special sphere by expressing the opinion that the time has not yet come for the introduction of such a Bill. It is not so much for the lawyer as for the financier to express an opinion as regards the time for the introduction of the Bill. It is certainly calculated to promote the advancement of commerce and material prosperity. The financing of our mercantile business is greatly helped by the Bank, who know the benefits and have suffered the disadvantages arising from the want of such a measure. The Agent of the Bank is therefore a better and more competent adviser on the subject. As the High Court have also supported me, I trust the Council will not be dismayed by the letter of dissent from the Vakils' Association. I beg therefore to propose that the principle of the Bill be affirmed.

Mr. Prince.—I have much pleasure in seconding the proposal that the principle of the Bill be affirmed. I speak now as a member of the Council and not as the President of the Vakils' Association, although I feel it an honour and a pride to be so. Although the letter from the Association does not give the reasons for their holding that the time has not come for introducing this Bill, I presume they had very good reasons for so thinking. They take it, and no doubt correctly, that contracts are so intimately connected with Negotiable Instruments that it is inadvisable to introduce the Negotiable Instruments Act into Travancore until the Contract

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